

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

RECEIVED

FEB - 4 2005

DOCKET FILE COPY ORIGINAL  
Federal Communications Commission  
Office of Secretary

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Cambridge and St. Michaels, Maryland)

)  
)  
)  
) MM Docket No. 04-20  
) RM-10842  
)

To: The Secretary

DOCKET FILE COPY ORIGINAL

**FURTHER SUPPLEMENT TO REPLY COMMENTS**

CWA Broadcasting, Inc. ("CWA"), the licensee of Station WINX-FM, Cambridge, Maryland (the "Station" or "WINX"), by its attorneys and pursuant to *Public Notice*, Report No. 2685, released December 9, 2004, hereby submits this Further Supplement to Reply Comments in the above-referenced proceeding in which CWA seeks to modify the Station's community of license from St. Michaels, Maryland to its original community of license, Cambridge, Maryland, and upgrade its operation to Class B1 on Channel 232.<sup>1</sup> In support thereof, CWA states as follows.

CWA has recently attempted to serve pleadings in this proceeding on one of the parties hereto, Dana J. Puopolo. As indicated in Exhibit A, Mr. Puopolo has moved from the address provided to the Commission in this proceeding and not provided a forwarding address. He has

Mr. Puopolo  
125-10842  
044

---

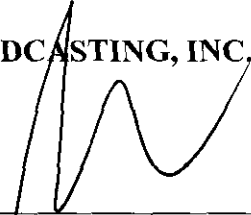
<sup>1</sup> A Petition for Leave to File Supplement to Reply Comments is being filed simultaneously herewith.

not provided any such information to the Commission as well, despite the requirement to do so under Section 1.65 of the Commission's Rules.

CWA has previously argued that since Mr. Puopolo has failed to comply with the subscription and verification requirements of Section 1.52 that his Petition should be dismissed. CWA now submits that since Mr. Puopolo has failed to keep the Commission apprised of his address and there is no means of contacting him, that the Commission should discount his interest in the allotment of a new FM channel at Chincoteague, Virginia. The only recourse in such a case is the dismissal of the application.

Respectfully submitted,

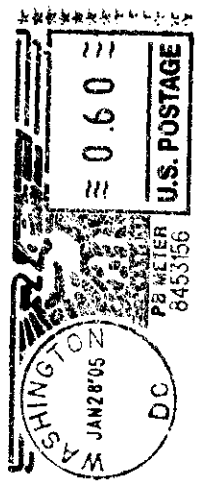
**CWA BROADCASTING, INC.**

By:   
Barry A. Friedman, Esq.  
Thompson Hine LLP  
1920 N Street, N.W.  
Suite 800  
Washington, D.C. 20036  
(202) 331-8800

February 4, 2005

## EXHIBIT A

FIRST CLASS  
FIRST CLASS  
FIRST CLASS  
FIRST CLASS



# First Class Mail

**THOMPSON  
HINE**

Dana J. Puopolo  
Unit C  
2134 Oak Street  
Santa Monica, California 90405

THOMPSON HINE LLP  
1920 N STREET, N.W. WASHINGTON, D.C. 20036-1600

RUP0134 904057010 IN  
RETURN TO SENDER 23 02/01/05  
NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

CERTIFICATE OF SERVICE

I, Barry A. Friedman, do hereby certify that I have, on this 4<sup>TH</sup> day of February, 2005, served a copy of the foregoing "Further Supplement to Reply Comments" on the following parties by first-class mail, postage prepaid:

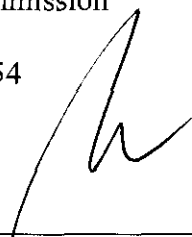
Dana J. Puopolo  
Unit C  
2134 Oak Street  
Santa Monica, California 90405

Andrew S. Kersting, Esq.  
Dickstein Shapiro Morin & Oshinsky LLP  
2101 L Street, N.W.  
Washington, D.C. 20037

Cary S. Tepper, Esq.  
Booth, Freret, Imlay & Tepper, P.C.  
7900 Wisconsin Avenue  
Suite 304  
Bethesda, Maryland 20814

Barry A. Friedman  
Thompson Hine LLP  
Suite 800  
1920 N Street, N.W.  
Washington, D.C. 20036

R. Barthen Gorman, Esq. \*  
Audio Division  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

  
\_\_\_\_\_

\* By Hand